IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23638 of 2004

Between:

S. Bala Sundaram @ Bala Subramanyam, S/o T.A. Sivasenkar Mudiliyar
Business R/o Shop No. 4 H. NO. 18-561, Municipal Complex, Dr. Pathi Street, Chittoor, Chittoor District

..... PETITIONER

AND

1 The Principal Secretary, Municipal Administration Secretariat, Hyderabad
2 The Commissioner, Chittoor Municipality, Chittoor District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate Writ order or direction more specifically one in the nature of Writ of Mandamus declaring the proceedings issued by the 2nd respondent vide Ref. No. R.O.C. No. 333/03/A.1 dated 01-12-2004 is illegal, arbitrary, ultra-vires as per Articles 14 & 16 of the Constitution of India, out of law and consequently set-a side the proceedings vide No. R.O. C. No. 333/03/A.1 dated
01-12-2004 and pass such other order or orders

Counsel for the Petitioner: MR.B.VISWANATHA REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2 : Mr.S.L.Newton

The Court at the admission stage made the following :

ORDER:

The present writ petition is filed questioning the final notice issued by the second respondent dated 1-12-2004 directing the petitioner to pay the arrears of rent and penalty within a period of seven days with regard to shop No.4 of Shopping complex of the Chittoor Municipality at Dr.Pathi Street.

Heard the learned counsel for petitioner, learned Government Pleader for Municipal Administration and Mr.Newton for second respondent.

Though several contentions were raised, the matter relates to rent to be paid by the petitioner, which is a contractual matter governed by an agreement entered between the parties and this Court cannot interfere with the same. If the petitioner is aggrieved, the appropriate remedy open to him is to approach the competent Civil Court for necessary relief.

The learned counsel for petitioner, at this stage of argument submitted that the petitioner wants to approach the competent Civil Court and he may be granted some time.

In the above circumstances, the writ petition is dismissed granting liberty to the petitioner to approach the competent Civil Court seeking appropriate relief. The respondents are directed to maintain status quo existing as on today for a period of two weeks from today. No costs.

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N.V.RAMANA,J

20-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Principal Secretary, Municipal Administration Secretariat,

Hyderabad
2.. The Commissioner, Chittoor Municipality, Chittoor District

3.2CCs to G.P. for Municipal Administration, High Court of A.P. Buildings,

Hyderabad (OUT)

4.2CD copies

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